REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of August 28, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claim Rejections – 35 USC § 103

Claims 1-9 and 13-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of U.S. Published Patent Application 2002/0178018 to Gillis (hereinafter Gillis). Claim 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka.

Applicants respectfully disagree with the rejections and thus have not amended the claims. Applicants have cancelled Claims 9-26. However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present application.

Aspects of Applicants' Invention

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for rebooking a passenger who is unable to travel on a scheduled flight on a carrier.

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The method can include receiving a rebooking request from the passenger; determining at least one rebooking flight candidate according to rebooking rules based on passenger data for the passenger and flight operations data; presenting the determined at least one rebooking flight candidate to the passenger with an incentive for encouraging the passenger to select a rebooking flight candidate preferred by the carrier; prompting the passenger to select one of the presented at least one rebooking flight candidate; and rebooking the passenger on the selected rebooking flight candidate. See, e.g., Specification, paragraphs [0020], [0023] and [0028].

The Claims Define Over The Prior Art

It was asserted in the Office Action that Slivka discloses a monitor that provides travelers with notifications of re-accommodation (paragraph [0028] and table 3). Paragraphs [0028]–[0030] of Slivka read as follows:

> *[0028] Monitor 115 may be any know display device that allows computer 102 to present information. I/O controller 114 may be a bus controller, network communications device, or similar device for controlling communications to and from computer 102. Notification service 140 may be a set of instructions that, when executed by a processor, performs a service that provides re-accommodation information associated with certain features consistent with the present information. Notification service 140 may generate and provide notification information (e.g., message) to one or more external entities, such as a disrupted passenger, one or more travel providers, travel agent services, and any other entity that is associated with the travel industry to provide notifications of re-accommodations. In one aspect of the invention, notification service 140 may provide a* notification *comprising text, email, and/or voice enabled messages* containing information on an operation disruption (e.g., cancellation) and a re-accommodation*. The messages may be formatted for delivery over an selected medium and sent to a receiving entity after re-accommodation is determined. For instance, an exemplary message be as follows:*

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> *[0029] Hello! This is the Sabre <u>automated</u> re-accommodation agent.
> Your flight from <origin> to <destination> has been rebooked. You have
> been <u>automatically rebooked</u> on the following flight(s):*
> *[0030] <carrier> flight <number> from <origin> to <destination>
> on MM/DD/YYYY departing at hh:mm arriving at hh:mm Please call (888)
> 555-1212 for more information.*

As can be seen from the above, the notification contains information on an operation disruption (e.g., cancellation) and a re-accommodation. This notification is not a presentation of a determined list of rebooking flight candidates to a passenger who is unable to travel on a scheduled flight in the sense of the present invention.

It is noted that the system of Slivka <u>automatically</u> generates a notification including re-accommodation information to all the entities (the passenger, the travel provider, the travel agent, etc.) involved whenever there is a travel disruption. This can be clearly seen from the exemplary notification message in paragraphs [0029]-[0030]. In contrast to Slivka, in the present invention, the rebooking is requested by the passenger who is unable to travel on a scheduled flight and the rebooking takes place only when the passenger selects one from the presented rebooking flight candidates. In other words, in the present invention there is no automatic rebooking.

It is also noted that Slivka does not disclose using any incentives to encourage the passenger to select the rebooking flight candidate preferred by the carrier as recited in independent Claim 1. In the present invention, for example as shown in Fig. 4, the rebooking flight candidate 404 that is most preferred by the airline provides the passenger with an incentive such as a first class upgrade (see paragraph [0027]). The Examiner did not explain how paragraph [0028] and table 3 of Slivka disclose using any incentives to encourage the passenger to select the rebooking flight candidate preferred by the carrier. As already discussed above, since Slivka does not even present the passenger with a list of rebooking flight candidates for selection (the flight is automatically rebooked), it cannot provide the passenger with incentives to encourage the passenger to select the

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rebooking flight candidate preferred by the carrier. Table 3 shows an exemplary listing of how passengers may be ranked based on their profile. The information contained in Table 3 may be used for performing automatic rebooking by Slivka, but this has nothing to do with presenting the passenger with a list of rebooking flight candidates for selection or providing the passenger with incentives to encourage the passenger to select the rebooking flight candidate preferred by the carrier, as in the present invention.

Paragraph [0032] of Gillis reads as follows:

[0032] Referring again to block 58 in FIG. 2, if the customer's flight is significantly delayed (e.g., by a delay specified in a customer profile) or canceled, then block 64 follows block 58. At block 64, data is transmitted from the mainframe 10 to the customer's portable computing device 30 to notify the customer of the delay or cancellation of the customer's flight; and the mainframe 10 may determine one or more alternative flights for the customer. Information indicative of the alternative flight or flights may also be transmitted from the mainframe 10 to the customer's portable computing device 30. The customer may be prompted to indicate whether he or she approves of the alternate flight proposed by the mainframe 10. The customer's indication of approval or non-approval of the alternate flight may be communicated from the portable computing device 30 to the mainframe 10 via the wireless communication channel 29, the wireless communication terminal 26, and the communication channel 28.

As can be seen from the above paragraph, Gillis also <u>automatically</u> determines alternate flight when the customer's flight is significantly delayed without a request from the customer for rebooking. Only when the customer disapproves the automatically determined alternate flight, will the system provide the customer with further options, which are described in paragraphs [0034]-[0037] of Gillis as follows

[0034] If at block 66 it is determined that the customer did not approve the alternate flight, then block 70 follows block 66. At block 70 the mainframe 10 may inform the customer of further options. For example, if the flight is only delayed, the following message may be transmitted to the customer's portable computing device 30:
[0035] "Boarding will commence at Gate 25 in 2 hours."

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[0036] Alternatively, the following message may be transmitted to the customer's portable computing device 30:
[0037] "Please proceed to the service counter for assistance in making alternate arrangements."

Clearly, Gillis does not present the passenger with a list of rebooking flight candidates for selection, but rather ask the passenger to wait for the delayed flight or proceed to the service counter for assistance.

Further, Gillis also does not disclose providing the passenger with incentives to encourage the passenger to select the rebooking flight candidate preferred by the carrier, as recited in Claim 1 of the instant application.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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